

Practitioner's Docket No. NEB-150-PUS



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ming-qun Xu, Thomas C. Evans

Application No.: 09/786,009
Filed: 04/17/2001
For: Intein-Mediated Peptide Ligation

Group No.: 1652
Examiner: Moore

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW ERRONEOUSLY RECORDED NOTICE OF ABANDONMENT
RESULTING FROM MISTAKEN COMMINGLING BY THE USPTO OF TWO CASES**

1. I hereby petition to withdraw the purported holding of abandonment in this case on the basis that:

(a) RESPONSE TO NOTICE WAS TIMELY FILED.

The response to the Notice Regarding Drawings mailed on August 3, 2005 to the Applicants was timely filed on September 12, 2005 as evidenced by the return postcard date-stamped by the USPTO on September 15, 2005. See copy enclosed of the Notice, the response as filed and the return postcard.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

X with sufficient postage as first class mail.

37 C.F.R. § 1.10*

G as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____

11/22/2005 SSITHIB1 00000104 09786009

01 FC:1462

400.00 DP

Date: November 17, 2005

Signature

Leslie Goldberg

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

BEST AVAILABLE COPY

(b) TWO CASES WERE MISTAKENLY COMMINGLED.

- (i) The Notice Regarding Drawings mailed on March 28, 2005 to Zymogenetics Incorporated for serial number 09/178,009, Applicant Paul O. Sheppard, was mistakenly entered into the subject case. See copy enclosed of records from eDAN as faxed by Examiner Moore on November 7, 2005.
- (ii) Applicants never received a Notice of Abandonment and were only made aware of this notice by a routine status review of PAIR for the subject case and a subsequent telephone conference with Examiner Moore who, upon review of his PALM and eDAN records, revealed the commingling by the USPTO of the subject case with another unrelated case.

2. I further state that:

- (a) the drawing referenced by the draftsman in Form PTO-948 in the subject case is Figure 1 whereas the drawings referenced by the draftsman in Form PTO-948 in Applicant Paul O. Sheppard's case (serial number 09/178,009) are Figures 1-7 for one objection and Figures 2, 6 and 7 for another.
- (b) eDAN does not show evidence of the mailing of an abandonment notice (see copy of records as faxed by Examiner Moore on November 7, 2005).

3. Applicants submit that the similarity between the serial number assigned to the subject case (09/786,009) to that of the serial number in Applicant Paul O. Sheppard's case (09/178,009) led to a clerical error by the USPTO resulting in the erroneously recorded abandonment notice held against the subject case.

4. A supporting statement concerning the above is attached.

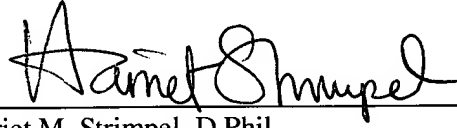
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

6. The petition fee (37 C.F.R. § 1.17(f)—\$400.00) is paid as follows:

Attached is a check in the amount of \$400.00. As the evidence is clear that the erroneously recorded notice of abandonment was due to a clerical error by the USPTO, Applicants request a refund of the petition fee by check if possible or to Deposit Account No. 14-0740 if necessary.

A duplicate of this paper is attached.

Date: November 17, 2005

A handwritten signature in black ink, appearing to read "Harriet Strimpel", written over a horizontal line.

Harriet M. Strimpel, D.Phil.
Registration No. 37,008
New England Biolabs, Inc.
240 County Road
Ipswich, MA 01938-2723
978-380-7373
Customer No. 28986



Docket No.: NEB-150-PUS
Inventor: Xu et al.
Serial No.: 09/786,009
Filing Date: 4/17/01

The date stamp of the USPTO is to be taken as the date of filing of:

Replacement formal drawing for Figure 1 (sheet 1 of 11); copy of Notice Regarding Drawings and Notice of Draftperson's Patent Drawing Review; transmittal of formal drawing

Date Mailed: September 12, 2005



240 County Road
Ipswich, MA 01938 USA
1-800-NEB-LABS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: John Fitzhugh
Office of Patents Publication
Publishing Division



Practitioner's Docket No. NEB-150-PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ming-qun Xu, Thomas C. Evans

Application No.: 09/786,009

Group No.: 1652

Filed: April 17, 2001

Examiner: Moore

For: Intein-Mediated Peptide Ligation

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attention: John Fitzhugh, Office of Patent Publication, Publishing Division

TRANSMITTAL OF FORMAL DRAWINGS

In response to the NOTICE REGARDING DRAWINGS (copy attached) mailed on August 3, 2005, attached please find:

The replacement formal drawing for Figure 1 (1/11) for this application.

Number of Sheets: 1

The drawing indicates the identifying indicia suggested in § 1.84(c) on the reverse side of the drawing.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

X with sufficient postage as first class mail.

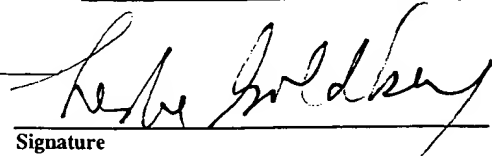
37 C.F.R. § 1.10*

G as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

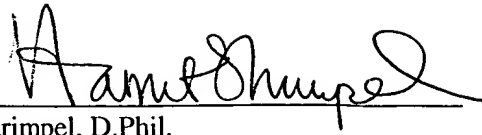
Date: September 12, 2005

Leslie Goldberg

(type or print name of person certifying)

** Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

Date: September 12, 2005

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Harriet M. Strimpel, D.Phil.

Registration No. 37,008

New England Biolabs, Inc.

240 County Road

Ipswich, MA 01938-2723

978-380-7373

Customer No. 28986



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMES APPLICANT	ATTORNEY DOCKET NUMBER
09/786009	04/17/2001	XU, MING-QUN	NEB-150PUS

HARRIET M. STRIMPEL; NEW ENGLAND BIOLABS, *Marked*
240 COUNTY ROAD
IPSWICH MA 01938 *2733 Drawing*

NOTION: Better 3 Drawing
NEW ENGLAND BIOLABS, INC.
240 COUNTY ROAD
IPSWICH MA 01938

8/5/05
10/3/05
Docketed For *10/3/05*
By *CAF*

Examiner
MOORE WILLIAM W
Art Unit
1656

Date Mailed: 08/03/05

Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 04/17/2001 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review

RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

John Fitzhugh *John Fitzhugh*

Office Of Patents Publication

Publishing Division

703-305-0333 ext-137



NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 6/11/04 arc:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

- ☐ Color drawings are not acceptable until petition is granted. Fig(s) _____
☐ Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

- ☐ One (1) full-tone set is required. Fig(s) _____
☐ Photographs may not be mounted. 37 CFR 1.84(e)
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
☐ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

- ☐ Paper not flexible, strong, white, and durable. Fig(s) _____
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

- ☐ 21.0 cm by 29.7 cm (DIN size A4) or
☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)
☐ All drawing sheets not the same size.
☐ Sheet(s) _____

☐ Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

- ☐ Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
☒ Margins not acceptable. Fig(s) _____
☐ Top (T) ☒ Left (L)
☐ Right (R) ☒ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

- ☐ Views not labeled separately or properly. Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

- ☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

- ☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

- ☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

- ☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) _____

11. SHADING. 37 CFR 1.84(m)

- ☐ Solid black areas pale. Fig(s) _____
☒ Solid black shading not permitted. Fig(s) 1

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

- ☐ Numbers and reference characters not plain and legible. Fig(s) _____
☐ Figure legends are poor. Fig(s) _____
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____
☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

- ☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

- ☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

- ☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. DESIGN DRAWINGS. 37 CFR 1.152

- ☐ Surface shading shown not appropriate. Fig(s) _____
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

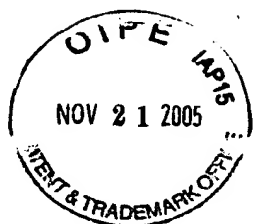
COMMENTS:

Reviewer [Signature]

If you have questions, call (703) 305-8404.

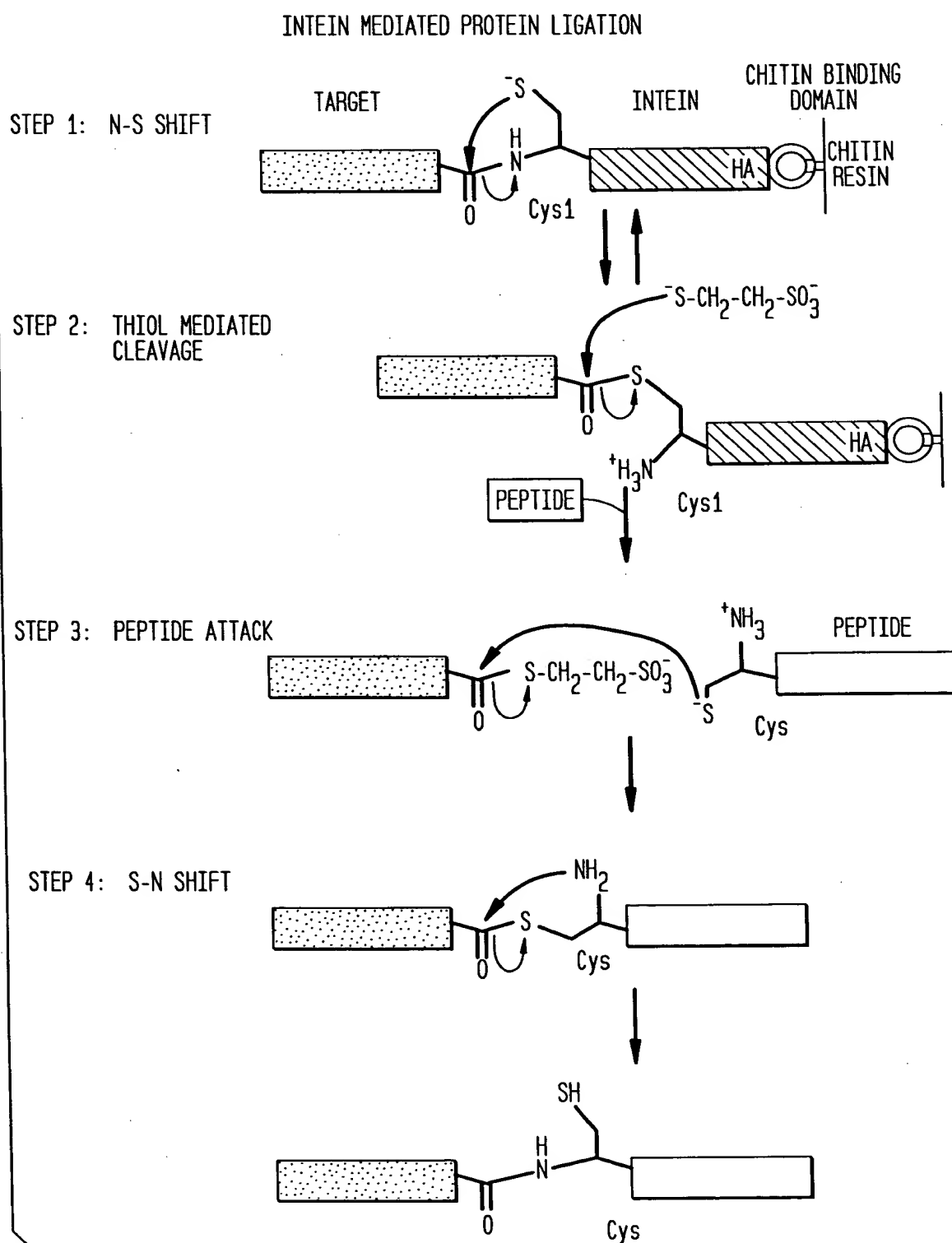
Date 8/3/05

Attachment to Paper No. _____



1/11

FIG. 1



Docket No.: NEB-150-PUS
Inventor: Xu et al.
Serial No.: 09/786,009
Filing Date: 4/17/01

RECEIVED

SEP 15 2005

The date stamp of the USPTO is to be taken as the date of filing of:



Replacement formal drawing for Figure 1 (sheet 1 of 11); copy of Notice Regarding Drawings and Notice of Draftperson's Patent Drawing Review; transmittal of formal drawing

Date Mailed: September 12, 2005



FAX

Telecopy/Facsimile Transmission

Date: 7 November 2005

Pages: Seven (7)
(Number of pages including this cover sheet)

TO: Ms. Leslie Goldberg of New England Biolabs
(Attorney, Agent, Firm or Agency)

Your docket No. NEB-150-D US; USPTO serial No. 09/786,009
(Application or Patent Numbers)

978.380.7475
(FAX/Telecopier number)

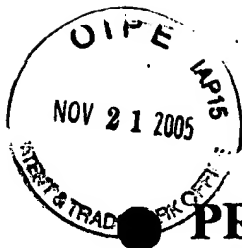
From: William W. Moore, Examiner
Art Unit 1652
Technology Center 1600

Examiner's office telephone: 571.272.0933
Examiner's direct FAX (for Informal communication): 571.273.0933
USPTO Technical Center 1600 Contact Number: 571.272.1600

The following six pages are present in the USPTO's eDAN scanned file (four pages) and PALM file (two pages) for the above-captioned application and may shed some light on the lack of receipt by New England Biolabs of any Notice to Correct Drawings before August 2005. PALM records indicate that a Notice of Abandonment was mailed on 22 July 2005 even if New England Biolabs has not yet received such Notice.

If you have not received all of the pages of this transmission, please contact the examiner at the office telephone number above.

ALL official facsimile transmissions must be sent to the USPTO Official FAX number, 571.273.8300, which is available to receive such transmissions 24 hours/day, 7 days/week. In compliance with 1096 OG 30, the filing date accorded each official FAX transmission will be determined by the FAX machine's stamped date found on the last page of the transmission, unless that date is a Saturday, Sunday or federal holiday within the District of Columbia, in which case the official date of receipt will be the next business day.

**PRINTER RUSH**
(PTO ASSISTANCE)

Application : 09/786009 Examiner : Achutanurath GAU : 1652
From : J. Black Location : IDC FMF FDC Date : 3/18/05
Tracking # : 06005389 Week Date : 2/30/04

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449		<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS		<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM		<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW		<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW		<input type="checkbox"/> Other
<input checked="" type="checkbox"/> DRW	<u>2/28/01</u>	
<input type="checkbox"/> OATH		
<input type="checkbox"/> 312		
<input type="checkbox"/> SPEC		

[RUSH] MESSAGE: Att'n Chief Draftsper on:
Please provide more clear copy of figures 4 and 5A-5E.
They contain faded data.

Thank you!

[XRUSH] RESPONSE:

948
[Signature]

INITIALS:

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.

REV 10/04

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER 09/178009	FILING/RECEIPT DATE 10/23/1998	FIRST NAMES APPLICANT SHEPPARD, PAUL O.	ATTORNEY DOCKET NUMBER 02/22/1999
--	--	---	---

PHILLIP B C JONES
ZYMOCGENETICS INCORPORATED
1201 EASTLAKE AVENUE EAST
SEATTLE WA 98102

Examiner **O HARA EILEEN B**Art. UnitPaper Number**1646****Date Mailed: 3/28/2005**

Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on **10/23/1998** are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review
RETURN CORRECTED DRAWINGS TO:
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

John Fitzhugh
Office of Patent Publication,
Publishing Division
703-305-0333 ext-137



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Form PTO-948 (Rev. 06/03)

Application No. 86 009U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 2/28/01 are:

- A. ☒ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or. Color (3 sets required).

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☒ One (1) full-tone set is required. Fig(s) 2, 6, 7
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☒ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
☒ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

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☒ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

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☒ Drawings sheets not an acceptable size. Fig(s) _____

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6. VIEWS. 37 CFR 1.84(h)

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11. SHADING. 37 CFR 1.84(m):

☒ Solid black areas pale. Fig(s) _____
☒ Solid black shading not permitted. Fig(s) _____

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15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☒ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. DESIGN DRAWINGS. 37 CFR 1.152

☒ Surface shading shown not appropriate. Fig(s) 1, 7

☒ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) 1, 7

COMMENTS:

Reviewer JLM

If you have questions, call (703) 305-8404.

Date 3/28/05

Attachment to Paper No. _____



Day : Monday
Date: 11/7/2005

Time: 14:29:16

PALM INTRANET

Content Information for 09/786009

Search Another: Application# Search or Patent# Search
PCT / / Search or PG PUBS # Search
Attorney Docket # Search
Bar Code # Search

App Info Contents Pension Info Atty/Agent Info Community Data Foreign Data

Date	Status	Code	Description
09/15/2005		C614	NEW OR ADDITIONAL DRAWING FILED
08/10/2005		QURF	WORKFLOW - QUERY REQUEST - FINISH
07/22/2005		QURI	WORKFLOW - QUERY REQUEST - BEGIN
07/22/2005		MABN7	MAIL ABANDONMENT FOR FAILURE TO CORRECT DRAW
07/22/2005	167	ABN7	ABANDONMENT FOR FAILURE TO CORRECT DRAWINGS
07/12/2005		R1021	RECEIPT INTO PUBS
04/29/2005		R1021	RECEIPT INTO PUBS
04/06/2005		QURF	WORKFLOW - QUERY REQUEST - FINISH
03/24/2005		QURI	WORKFLOW - QUERY REQUEST - BEGIN
08/31/2004		EIDC	EXPORT TO INITIAL DATA CAPTURE
09/30/2004	94	IFEE	ISSUE FEE PAYMENT RECEIVED
09/20/2004	93	R1021	RECEIPT INTO PUBS
09/07/2004		CRFT	SEQUENCE FORWARDED TO PUBS ON TAPE
09/02/2004		SENT	WORKFLOW - FILE SENT TO CONTRACTOR
08/24/2004	92	MN/=.	MAIL NOTICE OF ALLOWANCE
08/23/2004		IREV	ISSUE REVISION COMPLETED
08/23/2004	90	N/=.	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLE.
08/23/2004	89	CNTA	NOTICE OF ALLOWABILITY
06/01/2004		C614	NEW OR ADDITIONAL DRAWING FILED
06/08/2004		FWDX	DATE FORWARDED TO EXAMINER
06/01/2004	71	A...	RESPONSE AFTER NON-FINAL ACTION
06/01/2004		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
06/01/2004		WAMD	WORKFLOW INCOMING AMENDMENT IFW
12/04/2003	41	MCTNF	MAIL NON-FINAL REJECTION
12/02/2003	40	CTNF	NON-FINAL REJECTION

Content Information EXPO V1.00



10/02/2003		FWDX	DATE FORWARDED TO EXAMINER
08/22/2003		AP/A	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL
08/22/2003	120	N/AP	NOTICE OF APPEAL FILED
06/05/2003		M844	INFORMATION DISCLOSURE STATEMENT (IDS) FILED
05/23/2003		MN575	MAIL NOTIFICATION OF TERMINAL DISCLAIMER - NOT /
05/23/2003		MN574	MAIL NOTIFICATION OF TERMINAL DISCLAIMER - ACCE
05/23/2003	61	MCTFR	MAIL FINAL REJECTION (PTOL - 326)
05/23/2003	60	CTFR	FINAL REJECTION
03/13/2003		N574	NOTIFICATION OF TERMINAL DISCLAIMER - ACCEPTED
03/06/2003		DIST	TERMINAL DISCLAIMER FILED
03/12/2003		FWDX	DATE FORWARDED TO EXAMINER
03/06/2003		SA..	SUPPLEMENTAL RESPONSE
01/09/2003		N575	NOTIFICATION OF TERMINAL DISCLAIMER - NOT ACCEP
12/31/2002		DIST	TERMINAL DISCLAIMER FILED
01/08/2003		FWDX	DATE FORWARDED TO EXAMINER
12/31/2002	71	A...	RESPONSE AFTER NON-FINAL ACTION
12/31/2002		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
07/03/2002	41	MCTNF	MAIL NON-FINAL REJECTION
07/01/2002	40	CTNF	NON-FINAL REJECTION
04/20/2001		M844	INFORMATION DISCLOSURE STATEMENT (IDS) FILED
02/13/2002	30	DOCK	CASE DOCKETED TO EXAMINER IN GAU
02/04/2002		SCAN	IFW SCAN & PACR AUTO SECURITY REVIEW
01/24/2002	20	OIPE	APPLICATION DISPATCHED FROM OIPE
01/24/2002		M903	NOTICE OF DO/EO ACCEPTANCE MAILED
10/03/2001		CRFE	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE
08/29/2001		CRFL	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP /
04/02/2001		M905	NOTICE OF DO/EO MISSING REQUIREMENTS MAILED
03/23/2001		DKTD	371 APPLICATION PREEXAMINATION DOCKETING
03/23/2001		DKTD	371 APPLICATION PREEXAMINATION DOCKETING
03/13/2001		DKTD	371 APPLICATION PREEXAMINATION DOCKETING
02/28/2001		R371	RECEIPT OF 371 REQUEST
03/13/2001		C.AD	CORRESPONDENCE ADDRESS CHANGE
02/28/2001	19	IEXX	INITIAL EXAM TEAM NN

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PRINTER RUSH

(PTO ASSISTANCE)



SF

Application : <u>09786009</u>	Examiner : <u>MOORE, W</u>	GAU : <u>1652</u>
From: <u>BB</u>	Location: IDC <u>(FME)</u> FDC	Date: <u>4/22/05</u>
Tracking #: <u> </u>		Week Date: <u> </u>

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449	_____	<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS	_____	<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM	_____	<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW	_____	<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW	_____	<input checked="" type="checkbox"/> Other <i>Notice Regarding Drawings.</i>
<input type="checkbox"/> DRW	_____	<i>(PTO-948 of 3/29/2005)</i>
<input type="checkbox"/> OATH	_____	
<input type="checkbox"/> 312	_____	
<input type="checkbox"/> SPEC	_____	

[RUSH] MESSAGE:

Notice regarding drawings dated 3-28-05 has wrong serial number and was sent to the wrong address. Please send new notice to the correct address.

Thank You

[XRUSH] RESPONSE:

*Drawing objection
mailed*

INITIALS: *JJ*

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.
REV 10/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Xu et al.

Application No.: 09/786,009

Filed: April 17, 2001

For: Intein-Mediated Peptide Ligation



Group No.: 1652

Examiner: Moore

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being deposited with sufficient postage as first class mail with the United States Postal Service in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: November 17, 2005

A handwritten signature in black ink, appearing to read "Leslie Goldberg".
Leslie Goldberg

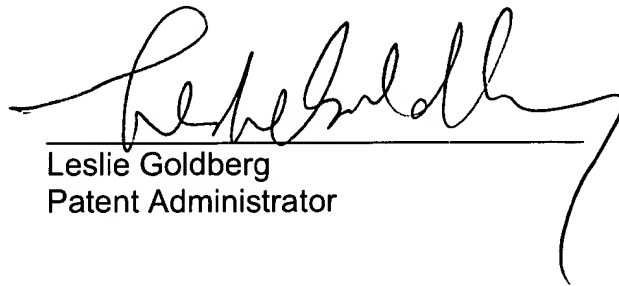
**STATEMENT IN SUPPORT OF PETITION TO WITHDRAW ERRONEOUSLY RECORDED
NOTICE OF ABANDONMENT RESULTING FROM MISTAKEN COMMINGLING BY THE
USPTO OF TWO CASES**

I declare that I first learned of the purported abandonment of the subject case when reviewing PAIR on November 9, 2005. I was specifically looking to see if an issue notification had been mailed. Applicants filed the issue fee on September 28, 2004. The most recent action taken by this office was the timely filing of a response to a post-allowance Notice Regarding Drawings dated August 3, 2005, regarding Figure 1 in the application. A return postcard stamped "RECEIVED SEP 15 REC'D" confirms the USPTO's receipt of this response, which included a replacement drawing for Figure 1.

After reviewing PAIR, I spoke with Examiner Moore who revealed that a scanned Notice Regarding Drawings dated March 28, 1995 for Application Serial No. 09/178,009 (Applicant Paul O. Sheppard) addressed to Zymogenetics Incorporated in Seattle, WA

was placed in the file for the subject case (Serial No. 09/786,009). I declare that neither the Notice Regarding Drawings dated March 28, 1995 nor the purportedly issued Notice of Abandonment dated July 22, 2005 were received by this office. A review of our file and docket record for this case (see copy of docket record enclosed) reflects this.

Date: November 17, 2005



Leslie Goldberg
Patent Administrator



Docket Number	NEB-150-PUS	Attorney	
Country	United States	Agent	
Case Type	Regular	Client/Division	
Relation Type	Original Filing	Current Owner	New England Biolabs, Inc.
Filing Type	National	Previous Owner	
Filing Number			

Intein Mediated Peptide Ligation

Licenses Filing Data	Other Nos Related Party Info	Ext Files Actions	Related Id Description	Title Expenses	Text Inventors
Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1
OFFICE ACTION MAILED				12/4/2003	
Publication Not Applicable				6/28/2004	
NOT ALLOWANCE - MAILED				8/24/2004	
Amendment of Drawings		9/12/2005	10/3/2005		
Published	3/30/2000			1/1/2222	
RESPONSE-1ST MONTH	1/4/2004			5/28/2004	
RESPONSE-2ND MONTH	2/4/2004			5/28/2004	
RESPONSE-3RD MONTH	3/4/2004			5/28/2004	
RESPONSE-4TH MONTH	4/4/2004			5/28/2004	
RESPONSE-5TH MONTH	5/4/2004			5/28/2004	
RESPONSE-6TH MONTH	6/4/2004			5/28/2004	
DRAWINGS - 1ST MONTH	9/24/2004			9/28/2004	
ISSUE FEE - 1ST MONTH	9/24/2004			9/28/2004	
DRAWINGS - 2ND MONTH	10/24/2004			9/28/2004	
ISSUE FEE - 2ND MONTH	10/24/2004			9/28/2004	

Created: 2/28/2001 Updated: 11/17/2005 10:45:09 By: goldberg



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